



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/070,847

03/11/2002

Johann Leist

37904-0037

2541

28481

7590

07/11/2007

TIAJOLOFF & KELLY

CHRYSLER BUILDING, 37TH FLOOR

405 LEXINGTON AVENUE

NEW YORK, NY 10174

EXAMINER

LOPEZ, CARLOS N

ART UNIT

PAPER NUMBER

1731

MAIL DATE

DELIVERY MODE

07/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/070,847	<b>Applicant(s)</b> LEIST ET AL.	
	<b>Examiner</b> /Carlos Lopez/	<b>Art Unit</b> 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19,20,22-31,37-40,42 and 45-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19,20,22-31,37-40,42 and 45-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Priority***

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Hence, the rejection over Christman is maintained. Christman qualifies as a 102 (e) reference and as an intervening 102 (a) reference. As noted above applicant should "perfect priority" by providing a certified translation of the foreign German application 100 632.9.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-20, 22-31, 37-40,42, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christman et al (US 6,143,073). Christman discloses a method for the production of quartz crucibles (Abstract). Christman's method comprises using an arc discharge formed by an electrode arrangement 1 and 3, as a heating source for melting supplied silicon dioxide powder onto a substrate 3 (Col.3, lines 24ff). Sato's "arch discharge" which is formed by electrodes 1 and 3 is deemed as the claimed electric arc (Col. 3, lines 24ff). Furthermore, in order to provide an electric discharge as

Art Unit: 1731

disclosed by Christman, electrodes 1 and 3 would be expected to act as anode and cathode. It also noted that the electric arc of Sato would be expected to heat a portion of the glass crucible being formed. In regards to the claimed limitation of having duplicate electric arc to fuse the supplied glass powder, Christman in Col. 3, lines 55ff teaches that additional electrodes can be added with any desired manner of arranging the electrodes. Additionally, in Col. 3, lines 35ff, Christman teaches that any size mold can be used to make a desired size of the crucible.

At the time the invention was made it would thus have been obvious to a person of ordinary skill in the art to have used multiple electrodes as taught by Christman in further view that Christman itself teaches that any size of crucible can be manufactured. Hence, in manufacturing a large crucible, it would be obvious to employ additional electrodes to provide sufficient heating to the larger crucible being formed as envisaged by Christman. Hence, the use of multiple electrodes and its arrangement, the claimed reduction in temperature differential is envisaged by Christman and/or would be an observation naturally derived from teachings of Christman when providing 2, 4, 5, 6, 7 or 9 electrodes as taught.

Alternatively, it would be expected to require additional heat source in order to assure that the larger glass crucibles being made are provided with homogeneous heating of the glass powder and to additionally increase the rate at which the glass crucible is made since more heat would be available to fuse the supplied glass powder into a glass crucible.

Art Unit: 1731

In regards to applicant's limitation regarding the spaced relation of the electrode arrangements, it is obvious to a person of ordinary skill in the art to have the electrodes spaced apart from each other in order to avoid a short circuit. If the electrode arrangements are placed adjacent to each other a short circuit may occur that would prevent the creation of a plasma discharge, the source that provides heat to the wall, from the electrodes. Hence, the electrodes being spaced apart would have the claimed spacial relation relative to the periphery of the quartz glass.

In regards to the limitation relating the duration of the heat applied and the rotation of the crucible, it is deemed as obvious to a person of ordinary skill in the art. The slower the crucible rotates, the longer it will take, hence heating durations is extended, to sufficiently heat the walls of the crucible. The faster the crucible rotates the less heating time will be required from the electrodes to sufficiently heat the crucible. Thus the claimed relationship is deemed to be obvious to a person of ordinary skill in the art in order to provide sufficient heating to the crucible.

As for claim 20, 22 and 39, the duplicate electrodes would be placed in regions not heated by the other electrode in order to assure that all the supplied glass powders are sufficiently heated.

As for claims 23-24, the duplicated electrode of Sato being independently separate, would be expected to independently be displaceable from the other electrode.

As for claims 25-28 and 40-41, both electrodes would be arranged at equal distances from the periphery of the formed glass crucible cause in not doing so would result in an uneven heating of the formed glass crucible. An electrode very close to the

Art Unit: 1731

periphery of the preform would heat the glass crucible to a higher temperature than the electrode at a farther distance from the periphery of the glass crucible resulting in deformation of the glass crucible.

As for claim 29-31 and 42, as noted above the duplicate electrode may be used to assure proper heating of all the glass powder being supplied.

As for claim 37, the electrodes 1 and 3 are inclined toward a section of the glass crucible as shown in figure 1 of Sato.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 1731

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is 571.272.1193. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571.272.1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lopez/  
Primary Examiner  
Art Unit 1731